

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

Conf. No.: 8298

MIZUKI et al

Atty. Ref.: LB -723-1504

Serial No. 10/825,180

TC/A.U.: 3714

Filed: April 16, 2004

Examiner: Leiva, Frank M.

For: IMAGE PROCESSING APPARATUS AND STORING MEDIUM
THAT STORES IMAGE PROCESSING PROGRAM

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December 22, 2010

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

REPLY BRIEF

Appellant hereby submits this Reply Brief under the provisions of 37 C.F.R. 1.193(b) in response to the Examiner's Answer mailed October 26, 2010. The arguments set forth in the Appeal Brief dated July 23, 2010 are incorporated herein by reference, and Appellant will not repeat the same herein. The following arguments are presented in response to new arguments presented in the Examiner's Answer and to further clarify Appellant's previous positions.

1. First Reply Argument

With respect to the issue of whether claims 1 and 6 are anticipated under Section 102(b) by Takahashi et al. (US 6,354,944), and more specifically, with respect to the

issue of whether Takahashi teaches “wherein said viewpoint-location setting programmed logic circuitry sets the viewpoint-locations in such a manner so that *each of operating objects* selected by said selecting programmed logic circuitry is displayed to have approximately *the same size*, even if any one operating object is selected out of said plurality of operating objects *different in size*”, emphasis added, the Examiner stated that this feature is the commonly known avatar view (a player views his character directly from behind the character) and, according to the Examiner, this is the exact view depicted in the present application, as shown in Figs. 9-11. Moreover, the Examiner stated that Fig. 6 of the present application is the same as Fig. 4 in Takahashi. In addition, the Examiner stated that “Whereas Takahashi is creating an optimum view point for the player, the final product is a view point that shows the operating character to have approximately the same size in the window of the screen, see pp. 6-7 of the Examiner’s Answer.

The commonly known avatar view used in Takahashi is used for each particular selected object. In other words, by changing the position of the virtual camera with respect to a particular object, the size of the particular object remains the same, no matter where in the game space the object is. However, this is not what it is claimed. In the invention of claims 1 and 6, this “commonly known avatar view” is used for each of the selected objects, so that no matter what object is selected, its displayed size is the same. Moreover, Fig. 6 of the present application, compared by the Examiner with Fig. 4 of Takahashi, shows three different objects A, B and C, not the same object, as shown in Fig. 4 of Takahashi. This is because the method of adjusting the position of the virtual

camera is done for all objects, not just a particular one. The Examiner's allegation that Fig. 6 of the present application is the same as Fig. 4 in Takahashi is therefore erroneous.

Finally, the Examiner is correct in saying that in Takahashi the operating character has approximately the same size in the window of the screen. However, this is not done for all operating characters, so that the relative size of all the operating characters is the same.

The Examiner also stated that "it is the examiner's point that the virtual camera views are only presented one at a time on the video screen and that it is impossible to show two or more camera views on a display without splitting the screen, to which each split would be another display image not disclosed in the present application", see p. 8 of the Examiner's Answer.

According to the specification, see p. 17, line 14 to p. 18, line 6, the location of the virtual camera is adjusted based on the selection of the object among a plurality of objects, so that the size of the displayed object, regardless of the choice, is the same. This is not taught by Takahashi, who only discusses a single object, and how to make sure that the displayed size of that object is the same. The fact that the virtual camera view is shown one at a time does not negate the fact that the displayed size of any object is the same.

The Examiner cited col. 3, lines 58-62 in Takahashi, "For example, if the character is large, or if there are a plurality of characters, the second distance is set to a large distance, *so that all of the characters can be seen*, whereas if the characters are small, or there is only one character, then the second distance is set to a short distance", emphasis

added, to allege that “disclosing a plurality of characters of different sizes and an adjustment to the camera angles according to their sizes”, see p. 8 of the Examiner’s Answer.

The above cited section merely says to adjust the position of the virtual camera so that all of the characters can be seen at the same time, does not say that all of the characters have the same size. In fact, as explained in the Appeal Brief (see paragraph bridging pp. 12-13), Figs. 11-13 of Takahashi show how the scene displaying the main character Ch and an enemy character Ch1 is seen when the viewpoint location of the camera for the main character is at C1 in Fig. 10 (corresponding to Fig. 11), C2 (corresponding to Fig. 12) and C3 (corresponding to Fig. 13), see col. 12, lines 32-50 in Takahashi. As it can be clearly seen, the respective sizes of the displayed objects Ch and Ch1, Ch and Ch2, and Ch and Ch3, are not the same in these Figures (even though all the characters can be seen).

Finally, in response to Appellant’s argument that the Examiner confuses the adjustment of a particular game character so that it appears to have the same size within the game space, taught in Takahashi, with the adjustment of each of the game characters so that all appear to have the same size, of the invention of claims 1 and 6, the Examiner stated that “figures 9-11 of the present application show the avatar view of each single character alone, and that if another character were in the picture, there [sic] true virtual size would show, since the present application can only show one selected operational object at a time”, see p. 9 of the Examiner’s Answer.

An object A, B, or C may be shown alone in the screen. However, according to the invention of claims 1 and 6, the sizes of all these displayed objects are the same. This is not taught by Takahashi, where there is no discussion of the relative sizes of the various displayed objects, said objects appearing in the game space. Takahashi is only concerned with a single object as it moves around. Takahashi is not concerned with object A, which originally has different size from objects B and C, and how these objects would appear on the screen (even each one at a time).

Appellant submits that there is a distinction between showing each of a plurality of objects, originally having different sizes, to have the same size and showing a single object to have the same size as it moves around.

For at least the reasons set forth above and discussed in detail in the previously-filed Appeal Brief, it is respectfully requested that the rejections on appeal be reversed.

Respectfully submitted,

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